REMARKS

The Examiner rejected the claims under 35 U.S.C. § 102 as being anticipated by the patents to Hatano, Pande, Phillips, Jenkins, Dunko, Hall, and the publication to Traversat. The Examiner also rejected various dependent claims under 35 U.S.C. § 103(a) as being unpatentable over Hall in view of Grube, or Jenkins in view of Dunko. Finally, the Examiner objected to claim 1 citing minor informalities, and rejected claims 21, 24-25, and 43 under 35 U.S.C. § 112 citing antecedent basis issues. In response, Applicant cancels claims 1-69 without prejudice, and adds claims 70-113 for consideration by the Examiner. No new matter has been added.

As amended, the claims contain four (4) independent claims – claims 70, 84, 92, and 106. Each of the independent claims contains language that requires a mobile terminal to generate GPS assistance data from received GPS data. Claims 70 and 92 further recite transmitting the GPS assistance data to a remote terminal via a wireless communications network, while claims 92 and 106 further recite the remote mobile terminal receiving the generated GPS assistance data via the wireless communications network. None of the references cited by the Examiner discloses these limitations, and thus, Applicants respectfully traverse the rejections.

First, the patent to Pande relied on by the Examiner does not qualify as prior art under the law. The patent to Pande was filed on February 8, 2001, and claims priority under 35 U.S.C. § 119(e) from U.S. Provisional Application No. 60/225,076 filed on August 14, 2000. However, as evidenced by the attached declaration and supporting exhibits, Applicants conceived the subject matter of the present invention not later than July 17, 2000. An application covering the claimed subject matter was pursued with due diligence to filing on January 23, 2001. Thus, the present invention enjoys an effective invention date that pre-dates

the August 14, 2000 filing date of Pande. The Pande patent does not qualify as prior art under § 102, and as such, any rejection based on the Pande patent necessarily fails.

Second, each of the remaining cited references fails to anticipate Applicant claimed invention under § 102. Hatano discloses a communications network having a plurality of mobile terminals able to transmit and receive position data to and from the network. In Hatano, a mobile terminal able to communicate with a base station can accept position data from a mobile terminal that is not able to communicate with the base station. However, the position data relayed from the mobile terminal that cannot communicate with the base station is not GPS assistance data. In contrast, it is latitude, longitude, and ID information. In fact, because the relayed data are the location coordinates of the mobile terminal, there is no need to generate or use GPS assistance data. Indeed, the mobile stations in Hatano already know their position coordinates, and simply use other nearby mobile terminals to relay their known coordinates – not GPS assistance data - to the base station. *Hatano*, col. 4, ll. 54-65.

Phillips discloses a wireless communications device that uses profiles associated with one or more contexts to define the operational behavior of the wireless communications device. According to Phillips, a context defines various situations under which the wireless communications device must operate. Depending upon context parameters (e.g., user age, skill, gender, and temperature), the wireless communications device alters its operating mode in accordance with a corresponding profile. *Phillips*, col. 2, ln. 50 – col. 3, ln. 9. However, neither the profiles nor the associated contexts of Phillips define an operational mode in which GPS assistance data generated by one wireless communications device is transmitted to/received from another wireless communications device. Phillips never discloses that a wireless communications device generates GPS assistance data, and never discloses that wireless communications share GPS assistance data with other wireless communications devices.

Jenkins discloses a system and method in which personal, commercial, and informational messages may be recorded and "left" at specific coordinates throughout a network

for later retrieval by other devices. Whenever a device comes within close proximity of one of these coordinate points, a user may retrieve these recorded messages left by another user. *Jenkins*, col. 5, ll. 15-41. However, Jenkins never discloses that the retrieved messages are or contain GPS assistance data, and never discloses that the devices generate GPS assistance data. In fact, the messages of Jenkins necessarily could not include GPS assistance data. In fact, the network in Phillips requires the <u>exact</u> location of a given device in order to deliver the message. *Jenkins*, col. 5, ll. 42-58. Mobile terminals using GPS assistance data, however, do not know their positions. Thus, the need for GPS assistance data. In short, a device operating according to Jenkins would not be able to retrieve GPS assistance data, since it could not determine its position without the data in the first place.

Dunko discloses a wireless communications system that supports affinity groups composed of like-devices. The devices in these groups are able to query other device for specific information, such as location information. However, Dunko does not teach that the location information is GPS assistance data, nor does Dunko disclose that the disclosed devices generate GPS assistance data. In contrast, Dunko discloses that the devices may transmit their exact location to one another, preferably using place-name descriptions as opposed to raw coordinates. *Dunko*, col. 2, ll. 5-47. In short, the patent to Dunko provides a method for one mobile device to query another about its location, and to receive a response that the user would be more familiar with.

Hall also fails to disclose that a mobile terminal generates GPS assistance data, and shares the generated GPS assistance data with other mobile terminals. Hall discloses a system by which members of a group can easily determine the status of other members of the group. The status of a user may be based, for example, on the geographic location of the mobile terminal. Thus, the mobile terminals of Hall may include a GPS receiver. However, the status information of the patent to Hall has nothing to do with GPS assistance data, and Hall never says that it does. Hall never suggests that the mobile terminals share any data other than their

status between each other, and certainly never contemplates the sharing of GPS assistance data between mobile terminals.
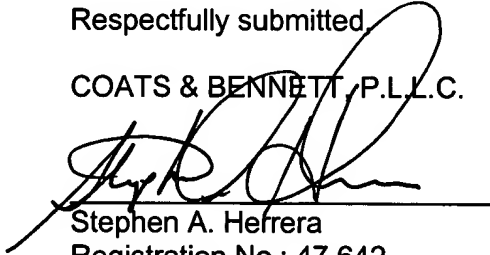
Traversat discloses a system and method that permits peers in a network (i.e., communication devices) to detect each other, create an ad-hoc network, and exchange messages. However, the peers in Traversat create the ad-hoc networks to permit the peers to operate independently of the network. Applicants' invention, in contrast, requires that the GPS assistance data be transmitted/received over the network. In short, Traversat never discloses that the disclosed peers generate GPS assistance data, and never discloses that the peers share GPS assistance data between them.

Finally, Applicants note that the primary references used to support the § 103 rejections - Hall and Jenkins – fail to teach or suggest any of the independent claims for the reasons stated above. The secondary references – Grube and/or Dunko, respectively – fail to remedy these deficiencies whether taken alone or in combination with the primary references.

Accordingly, none of the cited references anticipate any of the independent claims under § 102, and none of the references render the claims obvious under § 103, whether taken alone or in combination. Therefore, Applicants respectfully request the allowance of claims 70-113.

Respectfully submitted,

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Dated: September 24, 2004

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